

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

July 6, 2023

By the Court:

No. 23-2139

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

v.

TONY CUSHINGBERRY,
Defendant - Appellant.

Appeal from the United
States District Court for
the Southern District of Indiana,
Indianapolis Division.

No. 1:20-cr-00112-JMS-KMB-1

Jane Magnus-Stinson,
Judge.

This matter comes before the court for its consideration of attorney Jacob D. Leon's **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT-APPELLANT**, filed on June 9, 2023. Upon consideration thereof,

IT IS ORDERED that the Motion to Withdraw is **GRANTED**.

IT IS FURTHER ORDERED that Thomas W. Patton, Chief Federal Defender, 401 Main Street, Peoria, IL, 61602, Thomas_Patton@fd.org, is appointed to represent defendant-appellant Tony Cushingberry. Counsel is directed to contact the defendant-appellant immediately.

Briefing shall proceed as follows:

1. Defendant-appellant shall file his brief and required short appendix on or before October 4, 2023.
2. Plaintiff-appellee shall file its brief on or before November 3, 2023.
3. Defendant-appellant shall file his reply brief, if any, on or before November 24, 2023.

IT IS FINALLY ORDERED that the District Court shall add attorney Thomas W. Patton to their CM/ECF database for purposes of accessing District Court documents, including sealed docket entries not filed ex parte.

Important Scheduling Notice !

Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. *See* Cir. R. 34(b)(3). The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. *See* Cir. R. 34(b)(4), (e).